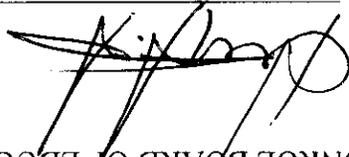


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MONROE BOARD OF EDUCATION
By: 
Henry A. Solomon
Its Attorney

Respectfully submitted,

Dear Madam Secretary:
On behalf of the Monroe Board of Education we submit an original and four (4) copies of a pleading titled "Comments by Monroe Board of Education."
Should you have any questions concerning this matter, please communicate with the undersigned.

Dear Madam Secretary:

Federal Communications Commission
Office of the Secretary

SEP 19 2007

FILED/ACCEPTED

Reference: MB Docket No. 03-44
RM-10650
RM-11396

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
c/o Natek, Inc.
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

Our File No. 20975-00100-63

September 19, 2007

Please reply to HENRY A. SOLOMON
hsolomon@gsblaw.com TEL EXT 2529

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MB Docket No. 03-44
Table of Allotments,) RM-10650
FM Broadcast Stations) RM - 11396
(Water Mill and Noyack, New York))
)

FILED/ACCEPTED

SEP 19 2007

Federal Communications Commission
Office of the Secretary

To: Audio Division, Media Bureau

COMMENTS BY MONROE BOARD OF EDUCATION

Monroe Board of Education ("Monroe"), by its attorneys, respectfully responds to the proposed "Reply Comments" submitted by Sacred Heart University ("SHU") on September 10, 2007 in the above-captioned proceeding. In the event the Commission considers SHU's Reply Comments, Monroe asks that the Commission consider this response.

The FCC's Notice of Proposed Rule Making sought comments on the petitioner's request to allot Channel 277A at Water Mill, New York. SHU countered with a proposal to allot Channel 233A at Water Mill, arguing that a Channel 277A operation would displace SHU's co-channel translator at Noyack, New York. The Commission granted SHU the relief it requested, but did not consider SHU's alternative proposal to allot Channel 277 to Noyack and to reserve the channel for noncommercial use. Monroe has not objected to either of SHU's counterproposals.

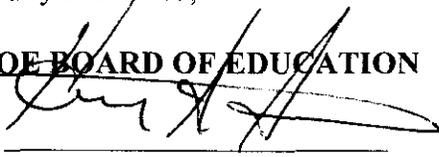
Monroe's Petition for Reconsideration demonstrated that a Channel 233A operation at Water Mill will cause interference to three of Monroe's translators, and asked that, on reconsideration, the Commission consider the effect of the proposed allotment on Monroe's translators as it did in the case of SHU's Noyack translator. SHU asserts that Monroe should

have raised the interference issue at an earlier stage of this proceeding rather than on reconsideration.¹ As Monroe's Petition for Reconsideration makes clear, Monroe had no prior notice that the Commission would base an allotment decision on the potential effect of an allotment on a secondary service such as a translator. Monroe took the earliest possible opportunity to address this novel legal issue. Monroe's Petition for Reconsideration was thus properly filed and is entitled to consideration in this proceeding pursuant to Section 1.429(b)(2) of the Commission's Rules.

Respectfully submitted,

~~MONROE BOARD OF EDUCATION~~

By:


John Crigler
Henry A. Solomon
Its Attorneys

Garvey Schubert Barer
1000 Potomac Street, N.W.
Fifth Floor, Flour Mill Building
Washington, D.C. 20007

September 19th, 2007

¹ Comments at ¶ 2. See also page 2 of SHU's concurrently filed "Motion to Accept Supplemental Information."

CERTIFICATE OF SERVICE

I, Sharon A. Fox, hereby certify that on this 19th day of September, 2007, a copy of the foregoing "Comments By Monroe Board of Education" have been served by U.S. first-class mail, postage prepaid to the following:

*Andrew J. Rhodes
Media Bureau
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Sharon A. Fox

*Via Hand Delivery